

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #2	CCRB Case #: 201500059	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/10/2014 5:00 PM	Location of Incident: 330 Jay Street	Precinct: 84	18 Mo. SOL 6/10/2016	EO SOL 6/10/2016	
Date/Time CV Reported Mon, 01/05/2015 11:34 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/05/2015 11:34 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Petlyn Job	13847	928545	084 PCT
2. POF Alterra Diaz	14684	906097	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Petlyn Job	Abuse: On December 10, 2014, PO Petlyn Job strip-searched § 87(2)(b)	
B.POF Alterra Diaz	Abuse: On December 11, 2014, PO Alterra Diaz strip-searched § 87(2)(b)	

Case Summary

On December 10, 2015, at approximately 5:00 pm., § 87(2)(b) was arrested at the Brooklyn Family Courthouse for § 87(2)(b) by PO Petlyn Job of the 84th Precinct. PO Job was working with Sgt. Eduardo St. Ford at the time that § 87(2)(b) was placed under arrest. Upon arriving at the stationhouse, PO Job brought § 87(2)(b) into a bathroom. § 87(2)(b) was instructed to lower her pants and raise her shirt. PO Job did not touch § 87(2)(b) below her waist but did touch her breasts above her bra. PO Job did not lift the bra and was wearing her gloves during the search (**Allegation A**). § 87(2)(b) was told to lower her shirt and lift her pants and was placed in a holding cell.

On December 11, 2015, at approximately 1:30 a.m., § 87(2)(b) was removed from her cell by PO Altera Diaz of the 84th Precinct. PO Diaz instructed § 87(2)(b) to raise her shirt and § 87(2)(b) § 87(2)(b) complied. At this time, PO Diaz felt around the edges of § 87(2)(b)'s breasts above her bra. At this time, § 87(2)(b) was told to lower her shirt and she was transported to Brooklyn Central Booking (**Allegation B**) (encl. 4A-5D). § 87(2)(b) was charged with § 87(2)(b).

Mediation, Civil and Criminal Histories

This complaint was not suitable for mediation. § 87(2)(b) has not filed a Notice of Claim with the City of New York for this incident (encl. 9A). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3A).
- PO Job has been a member of the NYPD for 13 years and has no prior CCRB allegations against her (encl. 2A).
- PO Diaz has been a member of the NYPD for 21 years and has no prior CCRB allegations against her (encl. 2B)

Findings and Recommendations

Identification of Subject Officers

§ 87(2)(b) described the officer arrested her and conducted the initial search of her person as a black female in her mid-thirties. PO Job is a § 87(2)(b)-old black female. Additionally, PO Job acknowledged performing the search of § 87(2)(b)'s person prior to placing her in a holding cell. § 87(2)(g) § 87(2)(b) described the officer who searched her the second time as a Hispanic female in her thirties with blonde hair and a heavy build. A copy of the 84th Precinct Roll Call from December 11, 2015, indicated that PO Diaz was the only Hispanic female assigned to the stationhouse at the time and date of the incident (encl. 8B-I). § 87(2)(g)

Investigative Findings and Recommendations

Allegation A –Abuse of Authority: On December 10, 2014, PO Petlyn Job strip-searched

§ 87(2)(b)

It is undisputed that PO Job conducted a strip-search of § 87(2)(b) at the 84th Precinct stationhouse in Brooklyn.

§ 87(2)(b) alleged that PO Job instructed her to lower her pants and raise her shirt and that PO Job then patted her down along the edges of her bra. PO Job confirmed that she asked § 87(2)(b)

§ 87(2)(b) to lower her pants and raise her shirt but stated that she could not recall whether she ever physically touched § 87(2)(b) PO Job stated that it was her personal decision to have § 87(2)(b) § 87(2)(b) raise her shirt and lower her pants and stated that she did not obtain authorization from a supervisor to conduct a strip-search (encl. 6J-K). PO Job had § 87(2)(b) perform this action to ensure her own safety and to be certain that § 87(2)(b) did not have weapons on her person. PO Job further stated that her supervisor advises her to search prisoners but that it is her personal policy to have female prisoner's expose their undergarments. § 87(2)(b)'s strip-search was not documented (encl. 6B-C).

A search in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas is a strip-search. A strip-search may not be conducted routinely in connection with an arrest and must be approved by a supervisor. Patrol Guide Procedure 208-05 (encl. 1A-C). A strip-search may be conducted when an officer possesses a reasonable suspicion that a prisoner is concealing evidence underneath clothing, provided that the strip-search is conducted in a "reasonable manner." People v. Anderson, 2013 N.Y. App. Div. LEXIS 1394 (App. Term, 3rd Dept. 2013) (encl. 1D-F).

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: On December 11, 2014, PO Alterra Diaz strip-searched

§ 87(2)(b)

§ 87(2)(b) alleged PO Diaz removed her from her cell prior to being transported to Brooklyn Central Booking and instructed her to raise her shirt. § 87(2)(b) stated that PO Diaz then frisked around the edges of PO Diaz's bra. PO Diaz is on Terminal Leave in advance of her retirement from the NYPD (encl. 13H). § 87(2)(g)

Pod: 2

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date